



IN REPLY REFER TO:

3809
U-77772
(UT-023)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake Field Office
2370 South 2300 West
Salt Lake City, Utah 84119

RECEIVED

OCT 03 2001

DIVISION OF
OIL, GAS AND MINING

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Certified Mail Number 7000 1530 0002 2179 7477
Return Receipt Requested

Mr. Harvey Chatwin
Ultradent Products, Inc.
505 West 10200 South
South Jordan, UT 84095

Dear Mr. Chatwin:

On July 3, 2001 we received your Plan of Operations for trenching activities on your OC 6 and OC 7 placer mining claims located in the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 5, T. 10 S., R. 12 W., (UMC 367177-367178). Your plan is approved, subject to your submittal of a reclamation bond in the amount of \$3,200.00 to the Bureau of Land Management (BLM), and subject to the following stipulations:

1. To reduce surface/vegetation disturbance and the spread of noxious weeds, access to and from the trench areas shall be confined to existing routes of travel.
2. All haul trucks, loaders, and other associated vehicles shall stay within the designated trench areas, as outlined in the Plan of Operations. Overnight parking and storage of equipment/materials shall be confined to these areas or the fenced enclosure proposed by the operator.
3. The operator is not authorized to blade, level or disturb the soil or any boulders in any way in order to place a trailer in the temporary camp site. The operator must maintain the surface rock and soil in as near its original condition as possible while placing the trailer temporarily at this location.

4. During final reclamation, the operator will be required to reseed all reclaimed areas with pure live native seed between the period of October 15 and November 30.

The operator will be required to use the following seed mixture:

Common Name	Scientific Name	lbs/acre
Thickspike wheatgrass	<u>Agropyron dasystachum</u>	2.0
Bluebunch wheatgrass	<u>Agropyron spicatum</u>	2.0
Intermediate wheatgrass	<u>Agropyron intermedium</u>	2.0
'Piute' orchard grass	<u>Dactylis glomerata</u>	0.5
Basin wildrye	<u>Elymus cinereus</u>	1.5
Indian ricegrass	<u>Oryzopsis hymenoides</u>	1.5
Ladak alfalfa	<u>Medicago sativa</u>	1.0
Yellow sweetclover	<u>Melilotus officinalis</u>	0.5
Palmer penstemon	<u>Penstemon palmeri</u>	0.5
Small burnet	<u>Sanguisorba minor</u>	1.5
Wyoming big sagebrush	<u>Artemesia tridentata wyomingensis</u>	0.1
Rubber rabbitbrush	<u>Chrysothamnus nauseosus</u>	0.5
Total		12.6 lbs/acre

5. The proponent shall affect a minimum of vegetative and soil disturbance consistent with practical trenching operations.
6. The operator is not authorized to place a padlock on either or both of the two gates and/or place chains as proposed in the Plan of Operations in order to limit access into the project area. These lands must remain open for access by the Public and the BLM.
7. In lieu of placing padlocked gates or chains across the access routes as proposed by the operator, signs may be used which notify the Public that the area is an active mine (e.g., Danger - Active Mining Area; Danger - Blasting Area, Explosives, etc.). The placement of signs that would give the public the impression that the lands behind the signs are privately owned (e.g. "No Trespassing"; Private Land, etc.) are not authorized.
8. The operator is required to stockpile all of the excavated topsoil with the long axes directed in the prevailing wind direction to decrease the potential for wind erosion.
9. The proponent is not authorized to store any debris or inoperable equipment on the mining claim.
10. The operator is not authorized to use, move, collect or destroy any of the existing wood, stone and metal materials within and/or surrounding the project area. None of this material may be used, moved or modified in any way by the operator during the course of operations.

11. The proponent shall maintain the site free of trash and refuse during operations and at the termination of project activities. Any trash or refuse must be removed from the claim area on a regular basis (e.g., weekly, bi-weekly or monthly) and disposed of in an authorized landfill or disposal facility, not on Public Lands.
12. The operator is required to comply with BLM OHV designations throughout all phases of mining and reclamation activities.
13. The proponent is not authorized to occupy the proposed temporary trailer site beyond a six month period from the date of Plan approval. If the operator fails to obtain SITLA's authorization to place living quarters north of the project area, in Section 32, T. 9 S., R. 12 W., under this EA the operator would not be authorized to use and occupy the temporary site permanently. Any permanent use and occupancy of Public Lands would have to be authorized under a separate approval under BLM's Use and Occupancy regulations at 43 CFR 3715.
14. The operator is not authorized to dispose of the contents of the porta-john type of chemical toilet anywhere in the project area or onto Public Lands. The contents of the porta-john must be regularly cleaned by a company that maintains this type of waste facility, or cleaned by the operator and disposed of properly at least twice per month.
15. During the life of the operation, to control the spread of noxious weeds, the operator is required to treat any noxious weeds found in the project area using the herbicide Grazon. The primary target species would be squarrose knapweed. If these noxious weeds are present in the project area, the herbicide should be applied at a rate of 2 to 4 pints per acre. Application of the herbicide should be made a maximum of two times per year as follows: 1) each spring when the plants "bolt"; and 2) in the fall, if there is regrowth or resprouting of these weed species.
16. Under this mining plan authorization, the operator is not authorized to grade or improve the surface of the existing two-track access route. Any proposals for improving the access route must be authorized under a separate Plan Amendment or under a separate right-of-way grant before any road improvements may commence.
17. No hazardous material (other than that listed by the operator in the proposed action) shall be stored or disposed of on-site. Petroleum spills of one-half quart or more will be immediately cleaned up and properly disposed of. For larger spills, the operator must contact the Salt Lake Field Office within 24 hours so that BLM hazardous material clean up policies and procedures are complied with.
18. Ultradent Products, Inc. must comply with all County, State and Federal standards and regulations.
19. Any proposed activity not authorized by this plan shall not proceed without prior approval of a plan amendment by this office.

20. If cultural or paleontological resources are discovered during the course of trenching operations, all work at the point of discovery will cease and the Salt Lake Field Manager will be notified. Surface disturbance within 100 feet of the point of discovery is not authorized until a written notice to proceed is received by the operator from the Salt Lake Field Manager.
21. All operators shall maintain the site, structures and other facilities of the operation in a safe and clean condition during any non-operating periods. The operator will be required, after an extended period of non-operation for other than seasonal operations, to remove all structures, equipment or other facilities and reclaim the site of operations, unless he/she receives permission, in writing from the authorized officer to do otherwise. For the purposes of 43 CFR 3809.3-7, an extended period of non-operation is considered to be one year.
22. Written notification will be provided to the BLM within 30 days of completion of operations and reclamation by the operator.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may have the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the Utah State Director does not make a decision on whether to accept your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You then have 30 days in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the State Director review, this decision may be appealed directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Salt Lake Field Office, located at 2370 South 2300 West, Salt Lake City, Utah, 84119, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time

the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

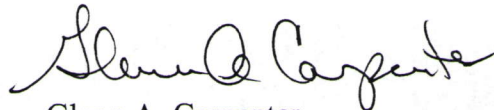
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

We have enclosed a copy of our reclamation bond estimate for your information. If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

Sincerely,

A handwritten signature in cursive script, reading "Glenn A. Carpenter".

Glenn A. Carpenter
Field Office Manager

Enclosures

cc: D. Wayne Hedberg; Utah Division of Oil, Gas and Mining

RENTAL, TRANSPORTATION AND LABOR COSTS
FOR OC 6 AND 7 MINING CLAIM RECLAMATION IN THE DUGWAY MOUNTAIN
AREA

Information provided by: United Rental
 1275 N. Main Street
 Tooele, Utah
 (435) 882-2865

	Costs
4X4 Backhoe rental (\$40.00 per hour or \$230.00 per day X 2 days)	\$460.00
Mobe & demobe equipment to Dugway Mountains (\$100/hr X 6 hrs)	600.00
Remove fencing from storage area (\$20.00/hr X 4 hrs)	80.00
Operator (@ \$20.00/hr X 20 hours)	400.00
BLM monitoring of reclamation	500.00
Seed Mixture (estimate)	50.00
Cost for crewman to hand rake and broadcast seed (@ \$15.00/hr X 10 hrs)	<u>150.00</u>
Subtotal	\$2,240.00
Remove trailer (@ \$2.50/mile X 180 miles)	<u>+ 450.00</u>
Subtotal	\$2,690.00
Administrative Costs	<u>X 1.18</u>
Total	\$3,174.20
Rounded Up:	\$3,200.00



Michael Ford
8/20/01

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE
NOTICE OF APPEAL

SOLICITOR
ALSO COPY TO

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

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ALSO COPY TO

4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))